



IT IS ORDERED as set forth below:

Date: April 4, 2014

**Barbara Ellis-Monro
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

BLAIR B. CHINTELLA,

Debtor.

Chapter 7

CASE NO. 13-73481-BEM

ORDER

A hearing on Comcast Cable Communications Management, LLC's ("Comcast") Motion for Relief from Stay and Annulment (the "MFRS") [Doc. No. 27] was held on March 4, 2014 (the "Hearing"). [Doc. No. 27]. At the Hearing, Plaintiff and Defendant both orally moved that the deadlines in adversary proceeding no. 14-5027, *Comcast Cable Communications Management, LLC v. Chintella*, (the "Adversary") be stayed until after the Court rules on the MFRS. There were also discussions regarding staying all proceedings related to the Motion For Sanctions For Violation of the Automatic Stay (the "Sanctions Motion") filed by Debtor against Comcast [Doc. No. 33] until resolution of the MRFS. The Court considered this oral motion to stay and stated on the record that both the Sanctions Motion and the deadlines in the Adversary,

including the time to respond to the motion to dismiss, would be extended for 30 days after the Court rules on the MRFS. An order staying proceedings in the Adversary was entered on March 11, 2014. [Doc. No. 6].

On March 21, 2014, Debtor filed “Debtor’s Motion To Withdraw” (the “Motion To Withdraw”) in which he sought to withdraw the Sanctions Motion Without Prejudice. Comcast filed a response to the Sanctions Motion and its “Response In Opposition To Debtor’s Motion To Withdraw His Motion For Sanctions” (the “Opposition”) in which Comcast opposes withdrawal of the Sanctions Motion unless it is with prejudice.

Upon consideration of the record in this case, the Court finds that good cause exists to grant the Motion To Withdraw. There were substantial discussions at the Hearing in which staying the proceedings with respect to the Sanctions Motion were had, and at which the Court agreed that a stay of the proceedings with respect to the Sanctions Motion was warranted, because the ruling on the MFRS was a necessary step in resolving the Sanctions Motion. The Court noted further that, unlike the practice in adversary proceedings, generally a written response to a motion is not required. *See* BLR 9014-2. Thus, the Court finds that it would not be equitable to require that withdrawal of the Sanctions Motion be with prejudice. Accordingly, it is now hereby

ORDERED that the Motion to Withdraw [Doc. No. 37] is GRANTED. It is further

ORDERED that the Opposition to the Motion To Withdraw [Doc. No. 39] is Overruled and the withdrawal of the Sanctions Motion is without prejudice. It is further

ORDERED that the Hearing scheduled for April 16, 2014 at 10:00 AM is hereby cancelled.

END OF ORDER

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